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when the determined quantity of data stored in the play-out buffer is less than a predetermined quantity, conveying at least a portion of the first set of data stored in the jitter buffer to the play-out buffer prior to determining that the first set of data is correct.

14. (Once Amended) A method for constraining a size of a jitter buffer comprising steps of:

erroneously receiving a frame and acknowledging the erroneously received frame;

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counting down a holdoff time period, wherein the holdoff time period is a period of time that expires while a listener mobile station awaits a retransmission of the erroneously received frame;

when the holdoff time period expires without the receiving a retransmission of the acknowledged frame, retransmitting the acknowledgment; and

when the erroneously received frame is a retransmitted frame or a non-audio information frame, reducing a length of the holdoff time period.

Respectfully submitted,
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